

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7208

VICTOR HERNANDEZ,

Plaintiff - Appellant,

versus

GERALD MALDONADO, Warden FCI Estill,

Defendant - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Florence. Margaret B. Seymour, District Judge.
(CA-04-844)

Submitted: December 9, 2004

Decided: December 15, 2004

Before NIEMEYER, WILLIAMS, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Victor Hernandez, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Victor Hernandez appeals a district court judgment adopting the magistrate judge's report and recommendation and dismissing without prejudice his 28 U.S.C. § 2241 (2000) petition. We have reviewed the record and the district court's order and affirm the appeal on the reasoning of the district court. We grant Hernandez leave to proceed in forma pauperis on appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED